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ART UNIT	PAPER NUMBER
3639	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)
	10/091,859	ADLER, RICHARD M.
	Examiner	Art Unit
	Akiba K. Robinson-Boyce	3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2002</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-63</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-63</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>12/4,11/4,6/17</u>.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Status of Claims

1.   Due to communications filed 3/6/02, the following is a non-final first office action.

Claims 1-63 are pending in this application and have been examined on the merits.

Claims 1-63 are rejected as follows.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 1-20, 42-63, are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

As per claim 1, this claim recites the following limitations: "(a)prompting a user

for entry..., (b)receiving said input data..., (c)simulating a plurality of outcomes..., and

(d)analyzing said plurality of outcomes". However, these steps do not produce a

concrete and tangible result. Since the steps of claim 1 do not produce a concrete and

tangible result, this claim, and all claims that depend form it (claims 2-20) are therefore

non-statutory.

As per claim 41, this claim recites the following limitation: "a parallel discrete

event simulation shell comprising a module adapted to perform at least one distributed

agent-based technique for simulating causal and intentional behaviors across

populations of active model entities interacting with one another and their environment,

a rule-based simulation engine and a Monte Carlo programming module, said Monte

Carlo programming module being adapted to perform stochastic distributions of values

over populations of market entities". However, this step does not produce a concrete

and tangible result. Since the step of claim 41 does not produce a concrete and

tangible result, this claim, and all claims that depend form it (claims 42-46) are therefore

non-statutory.

As per claim 47, this claim recites the following limitations: "analyzing a plurality

of outcomes..., wherein said decision outcome data represents at least one

consequence...". However, these steps do not produce a concrete and tangible result.

Since the steps of claim 47 do not produce a concrete and tangible result, this claim is

therefore non-statutory.

As per claim 48, this claim recites the following limitations: "(a) prompting a user

for entry..., (b)receiving said input data, (c)simulating a plurality of outcomes...,

(d)analyzing said plurality of outcomes"". However, these steps do not produce a

concrete and tangible result. Since the steps of claim 48 do not produce a concrete and

tangible result, this claim, and all claims that depend form it (claims 49-63) are therefore

non-statutory.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-18, 20-35, 37-42 are rejected under 35 U.S.C. 102(e) as being

anticipated by Eder (US 6,321,205).

As per claim 1, Eder discloses:

(a) prompting a user for entry of a plurality of input data corresponding to a

business decision modeling framework, said input data comprising at least one decision

option comprising at least one assumption describing at least one business entity, said

assumption comprising at least one attribute, trend, relationship, and/or projected

behavior, (Col. 7, line 66-Col. 8, line 1, shows a system for business simulation and

analysis, w/ col. 47, lines 43-50, after obtaining data from the user, calculating a value

driver to define a variable characterizing the performance of a business enterprise

where transaction trends are utilized in the model);

(b) receiving said input data, (Col. 8, lines 3-6, extract user input);

(c) simulating a plurality of outcomes under a plurality of scenarios over a period

of time based on said input data, (Col. 46, lines 26-31, prompts/stores input form user

to specify planned changes in value drivers or to establish a goal for the simulation);

and

(d) analyzing said plurality of outcomes, (abstract, lines 13-17, analyzes the

impact of user specified changes in value after use of Monte Carlo model).

As per claim 2, Eder discloses:

further comprising receiving at least one update to the input data supplied in said

step (a), said update derived from at least one external source and/or generated from

said steps (c) and/or (d), and repeating said step (c) and/or (d) based, at least in part,

on said updated input data, (Col. 35, lines 36-38, prompts user to update the number of

scenarios, w/ col. 8, lines 11-13, information extracted from external database, w/col.

36, lines 63-66, processing of sequence is repeated until scenarios have current data).

As per claim 3, Eder discloses:

wherein said updated input data comprises *at least one* type of feedback from

an external source, said external source *selected from the group consisting of:*

measured status of at least one business initiative to carry out an adopted decision

strategy; market response to said at least one business initiative; *an observed change*

in the economy and/or market over time; a competitive response to at least one said

business initiative, embodied in a new rival business model; improved knowledge about

decision factors; and improved knowledge about at least one behavior of said at least

one said business entity, (Col. 45, lines 17-19, analyze relationship between market

value of business and calculated business values).

As per claim 4, Eder discloses:

wherein said input data further comprises a description of at least one economic

environment and/or context, (Col. 44, line 49, economic equity values stored in the

economic equity values table).

As per claim 5, Eder discloses:

further comprising receiving input data corresponding *to at least one* decision

model framework *selected from the group consisting of:* macro-economic conditions at a

given time; at least one vertical or horizontal market and/or at least one business

operating within said vertical or horizontal market, and/or *characteristics and/or*

relationships of said market and/or business; at least one good or service traded within

said markets', at least one operating and/or proposed online Business-to-Business

(B2B) marketplace; and at least one "what-if' scenario based on at least one assumptive

trend, condition, behavior of a business entity, and/or event, (col. 45, lines 17-19,

analyzes relationship between market values).

As per claim 6, Eder discloses:

wherein *at least one* said projected behavior comprises data *selected from the*

group consisting of: a demographic and/or relevant qualitative macro- and/or micro-

economic characteristic of a target vertical industry and/or horizontal market and/or

businesses that participates in said market', a macro-economic factor representing a

domestic and/or global economic context in which said vertical industry and/or

horizontal market functions; a factor depicting a structural and/or behavioral change

occurring in an industrial market over time; an existing and/or proposed Internet-enabled

marketplace and/or a service, business model, relative position, and/or competitive

difference corresponding to said marketplace; an assumption that represents an

alternative scenario for how said marketplace will evolve over time and/or alter a parent

markets of and/or a business that participates in said marketplace; *and historical*

market-, marketplace-, and/or business-specific transactional data., (Col. 10, lines 1-2,

databases contain information regarding historical financial performance).

As per claims 7, 38, Eder discloses:

wherein said projected behavior is adaptive and/or comprises at least one

nonlinear trend, (Col. 47, lines 49-51, transaction trends).

As per claim 8, Eder discloses:

wherein at least one of said plurality of scenarios comprises event data, said event data regarding at least one event capable of disrupting, affecting, and/or altering the economic environment and/or the operation of at least one said business entity, said event data comprising a projected time of said event and/or a description of the nature of said event and/or the effects of said event, (Col. 31, lines 45-50, output nodes update over time).

As per claim 9, Eder discloses:

wherein said event data is organized into episode data, said episode data comprising a sequence of causally related event, (Col. 30, lines 63-66, sequentially input/output).

As per claim 10, Eder discloses:

wherein at least one of said plurality of scenarios comprises at least one trend and/or assumption about projected behavior of at least one said business entity, (Col. 47, lines 49-50, transaction trends).

As per claims 11, 15, Eder discloses:

wherein said *at least one* business entity is a business entity *selected from the group consisting of*: an economy, a market, *a company*, a line of business within a company, a B2B marketplace and an item of commercial trade comprising a product or service/wherein said step (c) is performed by a simulation method that treats at least one population of model markets and/or companies and/or business units of said companies, and/or B2B marketplaces generated from said input data as independent

active entities, capable of independent and/or autonomous behaviors, consistent with the principles of economics, (Col. 47, lines 39-40, business enterprise represents a company).

As per claim 12, Eder discloses:

wherein said *at least one attribute*, trends relationship, and/or projected behavior and/or event *comprises at least one source of change selected from the group consisting of:* a macro-economic trend; *a market-specific trend; an interaction between companies*; a company's decision to pursue a strategic action; and a company's decision to alter its behavior and/or business activities based on its perception of economies, markets and/or B2B marketplaces, (Col. 45, lines 17-19, analyzes relationship between market values, w/ col. 47, lines 49-50, shows transaction trends).

As per claim 13, Eder discloses:

Wherein said step (c) is performed by a simulation method that treats each source of change at a particular instant of time as a discrete factor that can potentially impact at least one said business entity, (Col. 7, line 66-Col. 8, line 1, shows a system for business simulation and analysis, w/ col. 47, lines 43-50, after obtaining data from the user, calculating a value driver to define a variable characterizing the performance of a business enterprise where transaction trends are utilized in the model);

As per claim 14, Eder discloses:

wherein said step (c) is performed by a simulation method that reflects a mass

variation of at least one characteristic across a population of modeled business entities

using at least one statistical projection of characteristic values across said population,

(Col. 7, line 66-col. 8, line 6, aggregates user input for simulation).

As per claim 16, Eder discloses:

further comprising outputting to a user and/or writing to a storage medium at

least one of said plurality of outcomes and/or at least a portion of said input data, (Col.

7, lines 57-62, displaying/printing simulations).

As per claim 17, Eder discloses:

further comprising permitting a user to select and/or modify and/or retrieve and/or

save to a storage medium at least one of said plurality of outcomes and/or at least a

portion of said input data, (Col. 5, lines 1-5, user-specified changes, w/ col. 48, lines 3-

7, means for user modification, w/ col. 9, line 52-col. 10, line 15, use of

keyboard/mouse/storing).

As per claim 18, Eder discloses:

wherein said step (d) further comprises outputting data generated in said step (c)

to a user, wherein said outputted data is *selected from the group consisting of*:

aggregate statistics corresponding to a model and its population, derived from their

simulated business interactions; detailed statistics corresponding to at least one

modeled company's simulated business activities; *data corresponding to a change that*

takes place over the course of simulation; data corresponding to at least one simulated

behavioral decision of at least one modeled company; and at least a portion of said

input data, (Col. 7, lines 57-62, displaying/printing simulations).

As per claims 20, 29, Eder discloses:

wherein said step (d) further comprises: outputting at least one said outcome

viewed from the perspective of a first said entity, (Col. 48, lines 47-53, output from

predictive model); and

outputting at least one said outcome viewed from the perspective of a second

said entity, (Col. 48, lines 57-63, output form neural network).

As per claim 21, Eder discloses:

an object model wherein each said object comprises data and a behavior

module; said data comprising attributes of said object; said behavior module

comprising instructions for manipulating said attributes of said object, (Col. 47, lines 39-

50, obtaining data related to value having one or more tangible elements of value/value

drivers, defining a composite variable characterizing the performance of a business

enterprise);

a database for storing model data and/or scenario data, said scenario data

corresponding to a plurality of scenarios, (col. 35, lines 35-48, scenarios stored in the

application database);

and a simulation engine, said simulation engine manipulating said object model

and said scenario data to generate a plurality of projected outcomes to decision options,

(Col. 46, lines 29-60, storage from scenario table used in the simulation model to

produce output variable and recommendations).

As per claim 22, Eder discloses:

wherein each said object corresponds to an actor or a business entity, (Col. 47,

lines 39-40, business enterprise).

As per claim 23, Eder discloses:

further comprising a user interface adapted to permit viewing and/or modification

and/or deletion of at least one element selected *from the group consisting of:* said object

model, *said object*, said object data, the behavior of said object, said database, said

scenario data, and parameters corresponding to said simulation engine, (col. 48, lines

3-7, means for user modification).

As per claim 24, Eder discloses:

further comprising an analysis engine adapted to analyze said plurality of

outcomes under said plurality of scenarios and/or to receive raw data from said

simulation engine and sort and/or filter and/or transform and/or aggregate and/or

analyze said raw data, (abstract, lines 13-17, analyzes the impact of user specified

changes in value after use of Monte Carlo model).

As per claim 25, Eder discloses:

wherein said analysis engine is further adapted to output at least one report to a

user, (Col. 6, lines 51-54, produces reports).

As per claim 26, Eder discloses:

wherein said at least one report is selected from the group consisting of:

aggregate statistics corresponding to a model and its population, derived from their

simulated business interactions; detailed statistics corresponding to at least one

company's simulated business activities; data corresponding to a change that takes

place over the course of simulation; and data corresponding to at least one simulated

behavioral decision of at least one company, (Col. 7, lines 57-62, displaying/printing

simulations).

As per claim 27, Eder discloses:

wherein said user interface enables users to select, create, add to, delete from,

modify, and/or save said model objects, (Col. 9, line 52-col. 10, line 15,

keyboard/mouse, w/ col. 20, lines 14-1-18, edit component).

As per claim 28, Eder discloses:

wherein said user interface enables users to select and load models and

scenarios; initiate, pause, resume, and/or halt said simulation engine; monitor ongoing

simulated model behaviors; and/or save simulation run results, but does disclose means

for user modification in col. 48, lines 3-7)

As per claim 30, Eder discloses:

wherein said database is accessible for reading and/or writing via structured

query language (SQL and/or extensible markup language query language (XQL), (Col.

9, lines 50-51, SQL).

As per claim 31, Eder discloses:

further comprising a module adapted to extract the metadata structure of said

object model and generate instructions for constructing data definition instructions of

said database for storing said model data, (Col. 10, lines 19-24, program

instructions/extracted data).

As per claim 32, Eder discloses:

further comprising a module adapted to load said data definition instructions to create said database, (Col. 10, lines 19-24, program instructions/extracted data).

As per claim 33, Eder discloses:

further comprising an editor module adapted to extend and/or customize at least one of said object metadata from said model, (Col. 18, line 18-21, software that edits).

As per claim 34, Eder discloses:

further comprising a module for storing said object metadata in said database, (Col. 17, lines 5-16, system processing of the information from the different databases).

As per claim 35, Eder discloses:

wherein said user interface is adapted to permit display and/or modification of at least one said object by manipulating said metadata, (Col. 7, lines 57-62, displaying/printing simulations).

As per claim 37, Eder discloses:

wherein a plurality of business entity behaviors is represented as a plurality of behavioral and/or decision rules, (Table 23).

As per claim 39, Eder discloses:

further comprising at least one parser adapted to receive behavioral data from said user interface, wherein said parser and said user interface are adapted to permit a user to define a plurality of behaviors for model entities and/or events, said parser being

further adapted to convert said defined behaviors into behavioral rule modules, (Table

23, identify behavior and finds rule for more than one predictor variable).

As per claim 40, Eder discloses:

further comprising an export module adapted to export output data generated by

said simulation model, wherein said data is in an ASCII and/or comma delimited file

and/or in a standardized format and/or said data is self-descriptive, (Col. 7, line 66-Col.

8, line 1, shows a system for business simulation and analysis, w/ col. 47, lines 43-50,

after obtaining data from the user, calculating a value driver to define a variable

characterizing the performance of a business enterprise where transaction trends are

utilized in the model);

As per claim 41, Eder discloses:

a parallel discrete event simulation shell comprising a module adapted to perform

at least one distributed agent-based technique for simulating causal and intentional

behaviors across populations of active model entities interacting with one another and

their environment, a rule-based simulation engine and a Monte Carlo programming

module, said Monte Carlo programming module being adapted to perform stochastic

distributions of values over populations of market entities, (Col. 7, line 66-Col. 8, line 1,

shows a system for business simulation and analysis, w/ col. 47, lines 43-50, after

obtaining data from the user, calculating a value driver to define a variable

characterizing the performance of a business enterprise where transaction trends are

utilized in the model, w/ ab, lines 11-13, Monte Carlo Model used).

As per claim 42, Eder discloses:

wherein said parallel discrete event simulation shell is adapted to receive event

data, said event data regarding at least one event capable of disrupting, affecting,

and/or altering the economic environment and/or the operation of at least one said

market entity, said event data comprising a projected time of said event and/or a

description of the nature of said event and/or the effects of said event, (Col. 8, lines 3-6,

extract user input, w/Col. 5, lines 1-5, user-specified changes, w/ col. 48, lines 3-7,

means for user modification)

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 19, 48-63 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Eder (US 6,321,205) as applied to claim 1 above.

As per claim 19, Eder does not specifically disclose:

wherein said step (d) further comprises outputting data generated in said

step (c) to a user, wherein said data is in an ASCII and/or comma delimited file and/or in

a standardized format and/or said data is self-descriptive, however, Eder does disclose

that the output is printed data in col. 7, lines 57-62, therefore the output being in

standardized format is obvious with Eder.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the output to be in a standardized format so that standard software/hardware, such as printing software can be compatible, and used with the system.

As per claim 48, Eder discloses:

(a) prompting a user for entry of a plurality of input data corresponding to a decision modeling framework, said input data comprising at least one decision option comprising at least one assumption describing..., said assumption comprising at least one attribute, trend, relationship, and/or projected behavior, (Col. 7, line 66-Col. 8, line 1, shows a system for business simulation and analysis, w/ col. 47, lines 43-50, after obtaining data from the user, calculating a value driver to define a variable characterizing the performance of a business enterprise where transaction trends are utilized in the model);

(b) receiving said input data, (Col. 8, lines 3-6, extract user input);;

(c) simulating a plurality of outcomes under a plurality of scenarios over a period of time based on said input data, (Col. 46, lines 26-31, prompts/stores input form user to specify planned changes in value drivers or to establish a goal for the simulation); and

(d) analyzing said plurality of outcomes, (abstract, lines 13-17, analyzes the impact of user specified changes in value after use of Monte Carlo model).

Eder does not specifically disclose describing at least one actor, however, does describe at least one business entity as described above, therefore, the description of at

least one actor is obvious with Eder since an actor plays a role in an environment which is business oriented, e.g. a theatre.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to describe at least one actor with the motivation of showing that decision-making can be applied to an acting environment.

As per claim 49, Eder discloses:

further comprising receiving at least one update to the input data supplied in said step (a), said update derived from at least one external source and/or generated from said steps (c) and/or (d), and repeating said step (c) and/or(d) based, at least in part, on said updated input data, (Col. 35, lines 36-38, prompts user to update the number of scenarios, w/ col. 8, lines 11-13, information extracted from external database, w/col. 36, lines 63-66, processing of sequence is repeated until scenarios have current data).

As per claim 50, Eder discloses:

wherein said updated input data comprises *at least one type of feedback* from an external source, said external source *selected from the group consisting of:* measured status of at least one initiative to carry out an adopted decision; response to said at least one initiative by other actors in said actor's decision environment; *an observed change in said decision environment over time*; improved knowledge about decision factors; and improved knowledge about at least one behavior of said at least one said actor, (Col. 45, lines 17-19, analyze relationship between market value of business and calculated business values).

As per claim 51, Eder discloses:

wherein said input data farther comprises a description of *at least one*

environment and/or decision context, said context comprising *at least one condition*

selected from the group consisting of: economic, social, political, legislative, military,

legal, geographical, demographic, medical, climatological, environmental, and

engineering factors, (Col. 44, line 49, economic equity values stored in the economic

equity values table).

As per claim 52, Eder discloses:

further comprising receiving input data corresponding *to at least one decision*

model framework selected from the group consisting of: conditions of said decision

environment at a given time; *a characteristic and/or relationship of one of said actors;*

and at least one "what-if" scenario based on at least one assumptive trend, condition,

actor behavior, and/or event, (Col. 1, lines 23-25, shows relationships are a factor, w/

(col. 45, lines 17-19, analyzes relationship between market values).

As per claim 53, Eder discloses:

wherein at least one of said plurality of scenarios comprises event data, said

event data regarding at least one event capable of disrupting, affecting, and/or altering

the decision environment and/or the operation or behavior of at least one said actor,

said event data comprising a projected time of said event and/or a description of the

nature of said event and/or the effects of said event, (Col. 31, lines 45-50, output nodes

update over time).

As per claim 54, Eder discloses:

wherein said event data is organized into episode data, said episode data

comprising a sequence of causally related events, (Col. 30, lines 63-66, sequentially input/output).

As per claim 55, Eder discloses:

wherein at least one of said plurality of scenarios comprises at least one trend and/or assumption about projected behavior of at least one said actor, (Col. 47, lines 49-50, transaction trends).

As per claim 56, Eder discloses:

wherein said at least one actor is *selected from the group consisting of:* a single individual, *a group of individuals*, an institution, and a man-made artifact, device, product or system, , (Col. 47, lines 39-40, business enterprise represents the group of individuals).

As per claim 57, Eder discloses:

wherein said at least one attribute, trend, relationship, and/or projected behavior and/or event comprises at least one source of change selected from the group consisting of: a trend; a decision environment-specific trend; an interaction between actors', an actor's decision to pursue a course of action; and an actor's decision to alter its behavior and/or activities based on its perception of the decision environment and/or other said actors, (Col. 47, lines 49-51, transaction trends).

As per claim 58, Eder discloses:

wherein said step (c) is performed by a simulation method that treats each source of change at a particular instant of time as a discrete factor that can potentially impact at least one said actor, (Col. 7, line 66-Col. 8, line 1, shows a system for

business simulation and analysis, w/ col. 47, lines 43-50, after obtaining data from the

user, calculating a value driver to define a variable characterizing the performance of a

business enterprise where transaction trends are utilized in the model);

As per claim 59, Eder discloses:

wherein said step (c) is performed by a simulation method that reflects a mass variation

of characteristics across a population of modeled actors using at least one statistical

projection of characteristic values across said population, (Col. 7, line 66-col. 8, line 6,

aggregates user input for simulation).

As per claim 60, Eder discloses:

wherein said step (c) is performed by a simulation method that treats a

population of model decision environments and/or actors as independent active entities,

capable of independent and/or autonomous behaviors, (Col. 47, lines 39-40, business

enterprise represents a company).

As per claim 61, Eder discloses:

further comprising outputting to a user and/or writing to a storage medium at

least one of said plurality of outcomes and/or at least a portion of said input data, (Col.

7, lines 57-62, displaying/printing simulations).

As per claim 62, Eder discloses:

further comprising permitting a user to select and/or modify and/or retrieve and/or

save to a storage medium at least one of said plurality of outcomes and/or at least a

portion of said input data, (Col. 5, lines 1-5, user-specified changes, w/ col. 48, lines 3-

7, means for user modification, w/ col. 9, line 52-col. 10, line 15, use of

keyboard/mouse/storing).

As per claim 63, Eder discloses:

wherein said step (d) further comprises outputting data generated in said step (c)

to a user, wherein said outputted data is *selected from the group comprising*: aggregate

statistics corresponding to a model and its population, derived from their simulated

interactions among or between actors; detailed statistics corresponding to at least one

actor's simulated activities; data corresponding to a change that takes place over the

course of simulation; and data corresponding to at least one simulated behavioral

decision of at least one actor, (Col. 45, lines 17-19, analyze relationship between

market value of business and calculated business values).

8.   Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eder

(US 6,321,205) as applied to claim 1 above, an further in view of Ulwick (US 6,115,691).

As per claim 36, Eder fails to disclose further comprising a module for adding

new attributes to said objects, but does disclose attributes in col. 47, lines 43-50, where

the variable characterizing a performance of the business enterprise is calculated).

However, Ulwick discloses:

further comprising a module for adding new attributes to said objects, (col. 21,

lines 28-37, adding new options). Ulwick discloses this limitation in an analogous art for

the purpose of showing that a user has the option of refining options by adding new

ones.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to comprise a module for adding new attributes to said objects with

the motivation of supporting new decisions for strategic business decision-making

through introducing new attributes.

9.   Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Eder (US 6,321,205) as applied to claim 1 above, an further in view of Papierniak, (US

6,151,601).

As per claims 43, 44, 45, Eder discloses:

receiving decision option data, (Col. 8, lines 3-6, extract user input);

projecting outcomes of said decision option data under a plurality of scenarios,

(Col. 46, lines 26-31, prompts/stores input form user to specify planned changes in

value drivers or to establish a goal for the simulation); and

analyzing said outcomes, thereby providing decision outcome data, (analyzes the

impact of user specified changes in value after use of Monte Carlo model);

Eder fails to disclose the following, however, Papierniak discloses:

wherein said decision outcome data represents at least one consequence

corresponding to said decision option data, and wherein said at least one consequence

comprises at least one positive consequence and/or reward corresponding to said

decision option data/wherein said at least one consequence comprises at least one

negative consequence and/or risk corresponding to said decision option data/ wherein

said decision outcome data further represents at least one interrelation between at least

two said consequences, (Col. 9, lines 45-48, fee-based service, where the fee is the

consequence). Papierniak discloses this limitation in an analogous art for the purpose

of showing that fees apply in a service system.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention for the decision outcome data represents at least one

consequence corresponding to said decision option data, and wherein said at least on

consequence comprises at least one positive consequence and/or reward

corresponding to said decision option data with the motivation of showing the results of

decision outcome data.

As per claim 46, Eder discloses:

wherein said at least one said scenario comprises event data, (Col. 15, lines 35-

39, shows forecasting events).

As per claim 47, Eder discloses:

analyzing a plurality of outcomes of decision option data projected under a

plurality of scenarios, (abstract, lines 13-17, analyzes the impact of user specified

changes in value after use of Monte Carlo model);

Eder fails to disclose the following, however, Papierniak discloses:

wherein said decision outcome data represents at least one consequence

corresponding to said decision option data, and wherein said at least one consequence

comprises at least one positive consequence and/or reward corresponding to said

decision option data, (Col. 9, lines 45-48, fee-based service, where the fee is the

consequence). Papierniak discloses this limitation in an analogous art for the purpose

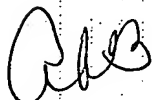of showing that fees apply in a service system.

It would have been obvious to one of ordinary skill in the art at the time of

the applicant's invention for said decision outcome data represents at least one

consequence corresponding to said decision option data, and wherein said at least one

consequence comprises at least one positive consequence and/or reward

corresponding to said decision option data with the motivation of showing the results of

decision outcome data.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Akiba K Robinson-Boyce whose telephone number is

571-272-6734. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on 571-272-6708. The fax phone numbers for

the organization where this application or proceeding is assigned are 703-746-7238

[After final communications, labeled "Box AF"], 703-746-7239 [Official Communications],

and 703-746-7150 [Informal/Draft Communications, labeled "PROPOSED" or "DRAFT"].

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

A. R. B.
December 29, 2005